

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

MARILYN GRASSO BUFORD

CIVIL ACTION NO. 6:11-cv-01828

VERSUS

JUDGE DOHERTY

JP MORGAN CHASE BANK, NA
ET AL.

MAGISTRATE JUDGE HANNA

AMENDED REPORT AND RECOMMENDATION

On December 10, 2012, the undersigned issued a report and recommendation (Rec. Doc. 85) with regard to the motion for judgment on the pleadings (Rec. Doc. 56), which was filed by defendant Jackson & McPherson, LLC. The report and recommendation contains an inadvertent typographical error in the introductory paragraph on the first page reading: “the undersigned recommends that the motion be granted, that the plaintiff’s claims against Jackson & McPherson be dismissed ***without*** prejudice, and that this matter be remanded to the 15th Judicial District Court, Lafayette Parish, Louisiana.” (Rec. Doc. 85 at 1 [emphasis added]). “A motion brought pursuant to Fed.R.Civ.P. 12(c) is designed to dispose of cases where the material facts are not in dispute and a judgment on the merits can be rendered by looking to the substance of the pleadings and any judicially noticed facts.”¹

¹ *Hebert Abstract Co., Inc. v. Touchstone Properties, Ltd.*, 914 F.2d 74, 76 (5th Cir. 1990).

Accordingly, a dismissal under Rule 12(c) is a ruling on the merits and with prejudice,² as the undersigned recommended in this case in the conclusion to the report and recommendation. (Rec. Doc. 85 at 13).

The report and recommendation (Rec. Doc. 85) is therefore AMENDED to clarify that the undersigned recommends that the plaintiff's claims against defendant Jackson & McPherson be dismissed *with prejudice*.

Signed at Lafayette, Louisiana on December 11, 2012.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE

² See, e.g., *In re Great Lakes Dredge & Dock Co. LLC*, 624 F.3d 201, 209 (5th Cir. 2010).